GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Revision petition filed by the Commissioner of Tribal Welfare, Hyderabad, against the social status of Sri Siva (Orphan)- against the Proceedings No. R. Dis.(C6)/1220/M/2007, of the District Collector, Kurnool, dated 27.12.2012 - under Section 8 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/ 1993) – Revision Petition dismissed - Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.5 **Dated:18.01.2017**

Read the following:

1. Proceedings of the District Collector, Kurnool, R.Dis.(C6)/1220/M/2007, dt:27.12.2012.
2. Letter received from the CTW, A.P., Hyderabad, Rc.No.2172/28/TRI/ TSV/VC.7/ 2012, dt:07.02.2013.
3. D.O.Lr.No.1783/CV.2/2013, dt:16.07.2013.
4. Govt., Lr.No.1783/CV.2/2013, dt:16.07.2013.
5. Govt., Memo .No.1783/CV.2/2013, dt:16.07.2013.
6. Govt., Memo .No.1783/CV.2/2013, dt:26.07.2013.
7. From the Tahsildar, Kurnool Mandal, Lr.no.L.Dis.C.560/2013, dt:13.12.2013.
8. D.O.Lr.No.1783/CV.2/2013, dt:22.01.2014, 11.04.2014, 28.04.2014.
9. Govt. Lr.No.1783/CV.2/2013, dt: 22.01.2014,11.04.2014 & 28.04.2014.
10. Govt. Memo.No.1783/CV.2/2013,dt:22.01.2014,11.04.2014& 28.04.2014.
11. Govt. Memo .No.1783/CV.2/2013, dt:19.03.2016 & 30.04.2016.

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ORDER:

In the reference 1st read above, the District Collector, Kurnool has issued orders confirming the ST – Sugali Caste Certificate obtained from the then Tahsildar, Kurnool by Sri Siva (Orphan).

2. In the reference 2nd read above, the Commissioner of Tribal Welfare, Hyderabad has requested the Government to place the social status of Sri Siva (Orphan) before the State Level Scrutiny and Review Committee to review the Proceedings No. R.Dis.(C6)/1220/M/2007, dated.27.12.2012 of District Collector, Kurnool as per Section 8 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993.

3. The Government after careful examination decided to place the matter before the SLSC to conduct enquiry on the ST-Sugali community status of Sri Siva(orpan). The SLSC meeting was scheduled on 22.07.2013 and the same was informed to S.L.S.C.,Chairman & members, the District Collector and to the Appellant in the references 3rd to 5th read above.

4. In the reference 6th read above, as per the orders of the Chairman, S.L.S.C., the Mandal Revenue Officer, Kurnool was requested to furnish the detailed report along with the records of Sri Siva (Orphan), C/o Vignanapeetham Child care Home Kurnool, regarding community status of ST-Sugali , urgently to take a view in the matter.

5. In the reference 7th read above, Mandal Revenue Officer, Kurnool has reported that the Mandal Revenue Inspector, Kurnool in his report has stated that Sri Siva was an Orphan. He born on 17.11.1989 at Shakuntala Krishna Nursing Home, Kurnool. Further, he has reported that after delivery, the baby was taken to bathroom for cleaning purpose by the Doctor by name Dr.Seethamma, the mother of the Child left the hospital without informing to anybody since she is mentally not stabled, so he has become an Orphan. Further he has stated that as per the Doctor's statement the mother's language was Tribal (Sugali), there-by, the boy was treated as ST-Sugali. Further, he has also reported that Sri V.Ramaiah, who

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is working in the District Court, Kurnool and the Hospital Staff has given shelter to the said Orphan and after six (6) years for the education purpose he was handed over the child (Siva-Orphan) to the Orphanage by name "Vignanapeetham Child Care Home, Kurnool and thereby his caste was registered as ST- Sugali.

6. The SLSC meetings were scheduled on 03.02.2014, 28.04.2014 & 03.05.2014, to review the ST-social status of Sri Siva (Orphan), same was informed to S.L.S.C., Chairman & members, the District Collector and to the individual in the references 8th to 10th read above. Further, by placing SLSC findings and the available documents, the file was circulated to the Appellate Authority for finalization of the Social status of Sri Siva (Orphan), C/o Vignanapeetham Child Care Home, Kurnool, based on the available documents with the Government, as the Appellate Authority under rule 7(3) of AP SC, ST&BC Regulation of Issue of Community Certificates Act, 1993. Accordingly, the revision petition was posted for hearing on 09.04.2016 & 14.05.2016 for finalization of the matter in the reference 11th read above.

7. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant at the time of hearing/ and proceedings of the District Collector, Kurnool dated 27.12.2012 & report of the Mandal Revenue Officer, Kurnool , dated 13.12.2013, the Appellate Authority has observed as follows:

I. Sri Shiva is an Orphan born in a private nursing home by name "Shakunthala Krishna Nursing Home", Kurnool on 17.11.1989. the Doctor (Dr.Seethamma) whose statement was recorded on 06.10.2007 reported that on mid night, a Banjara Lady identified by her dress came with head of perineum and the duty Doctor attended her and conducted delivery within few minutes after her admission. The lady gave birth to a male child, that when the duty doctor went to wash her hands, the lady went away absconding without informing her particulars such as personal history of pregnancy details of onset of labour and hence they could not record the personal particulars of the mother of the baby.

II. The child was brought up in the hospital by the hospital staff & Ramaiah, until he was (4) and half years and later he was handed over to Vignanapeetam Orphanage with a certificate issued by the hospital through Ramaiah, who is working in the District Court, Kurnool.

III. The applicant took the EAMCET entrance exam and applied for B.E./B.Tech course during 2007-08 under ST quota. His community status was doubtful to the authorities therefore he was asked to prove his caste status by adducing oral and documentary evidence and appear tribal welfare office on 21.08.2007.

IV. All these years the applicant was brought up as a ST and nobody objected his caste status. The boy joined G. Pulla Reddy Engineering College on 28.12.2007. Meanwhile Sri Siva has been selected by the APPSC for the post of Deputy Surveyor in Survey, Settlement and Land Records Department.

V. The applicant adduced the evidence by submitting the following documents:
    a. Community certificate dated 16.11.2002 issued by the Mandal Revenue Officer, Kurnool stating that he belongs to Sugali Tribe.
    b. Date of birth certificate issued by the Sakunthala Nursing home, Kurnool.
    c. Certificate by Secretary & Correspondent and Warden Vignanapeetham, child care Home, aided Primary & High School.

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VI. The matter was referred to the District Collector, Kurnool to place the matter before the DLSC. The DLSC, verified the recorded statements during their enquiry of all the relevant persons in the nursing home and the child care home. After examining the all evidence before them they confirmed the Caste status of Sri Shiva(the Applicant) as Sugala(ST). Based on the foregoing circumstances and detail scrutiny done by DLSC, the applicant caste certificate should be a Sugali(ST), **the District Collector, Kurnool confirmed the social status of the applicant as Sugali(ST) vide his proceedings No. R. Dis.(C6)/1220/M/2007, dated 27.12.2012.** The Collector further stated that there is nothing to disprove that he belongs to ST- Sugali caste and finally stated that the boy is an orphan and not tasted the fruits of being brought up parents and he is also disabled in one eye by birth. He was allowed to stay in the childcare as he was a good student and studying well.

VII. Further, based on the Commissioner of Tribal Welfare, Hyderabad complaint, the matter was placed before the SLSC to review the community status of Siva(Orphan) and based on the findings of the SLSC, the material records available with the Government, the Appellate Authority opined that the Commissioner who requested the Government to revise the Orders of Learned District Collector has failed to place any evidence contrary to the evidence on record, and the learned District Collector and DLSC have examined the case with reference to the entire material on record and they have correctly concluded saying that Sri Shiva (Orphan) belongs to Sugali(ST) community. No material is placed to disprove the documentary evidence placed by the lower authorities. Mainly the community certificate issued by Mandal Revenue Officer, Kurnool dated 16.12.2002 and the letter of V. Ramiah and the certificate issued by “Shakunthala Krishna Nurshing Home” and Doctor R. Seethamma amply prove that the boy (Sri Shiva (Orphan)) was born on 17.11.1989 to a Bhanjara Lady and his school records also confirm the fact that he belongs to Bhanjara Sugali (ST) Community as there is no rebuttal evidence against the above and the boy also (Orphan) cannot be asked to produce records of his parents as he was born and brought up as an orphan.

8. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Revision Petition filed by the Commissioner of Tribal Welfare, Hyderabad, against the social status of Sri Siva(Orphan) does not deserve any interference and hence, the Proceedings of the District Collector, Kurnool issued vide R.Dis. (C6)/1220/M/2007, dated 27.12.2012 is hereby upheld and the Revision Petition filed the Commissioner of Tribal Welfare, Hyderabad, is hereby dismissed.

9. The District Collector, Kurnool directed to take the necessary consequential action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Kurnool

Sri Siva (Orphan),
C/o Vignanapeetham Child Care
Home, G.Pulla Reddy Nagar,
Kurnool District-518002.Ph:8500532291

The MRO, Kurnool, Kurnool District.

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Copy to:
The Director, TCR& TI, AP, Hyderabad.
The OSD to M(SWE& TWE).
The P.S. to Principal Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER